

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

September 21, 2006

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, September 21, 2006, at 1:53 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Harold Warner Jr., Chair; Darrell Downing Vice-Chair; John W. McKay Jr.; Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Don Anderson; Bud Hentzen; Ronald Marnell; Hoyt Hillman and Morris K. Dunlap. Michael Gisick and Denise Sherman were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; and Maryann Crockett, Recording Secretary.

1. Approval of September 7, 2006 MAPC minutes.

MOTION: To approve the September 7, 2006, MAPC meeting minutes.

ANDERSON moved, **McKAY** seconded the motion, and it carried (11-0-1).

BISHOP abstained because she was absent from the meeting.

2. Election of Chairman and Vice Chairman for upcoming year.

WARNER stated that he appreciated being Chairman for the past year and that it was an honor and pleasure to work with the Commission and staff. He requested nominations for Chairman.

MOTION: Nominate **DOWNING** for Chairman.

MITCHELL moved, **McKAY** seconded the motion, and it carried unanimously (12-0).

MOTION: Nominate **ANDERSON** for Vice-Chairman.

McKAY moved, **MITCHELL** seconded the motion, and it carried unanimously (12-0).

McKAY thanked **WARNER** for the good job he did as Chairman the last year. Other Commission members agreed.

DOWNING thanked the Commission for electing him Chairman and said he appreciated the vote of confidence.

❖ **SUBDIVISION ITEMS**

Item 3-1 to 3-8 may be taken in one motion unless there are questions or comments.

3. Consideration of Subdivision Committee recommendations from the meeting of September 14, 2006.

3-1. SUB 2005-140: Final Plat -- TERRADYNE WEST ADDITION, located on the west side of 159th Street East and on the north side of Central. (Deferred from 7/20/06)

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family Residential and will be converted to SF-5, Single-Family Residential upon annexation. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. Petitions are needed for water distribution system and for water supply line extension in 159th E. Petitions are needed for sewer lateral and main assessment.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. The floodway reserve boundary needs to be revised. A 20' drainage easement should be included along the west property boundary, north of Reserve B.

- E. If any drainage will be directed onto Kansas Turnpike, a letter shall be provided from KDOT indicating their agreement to accept such drainage.
- F. **City Engineering** needs to comment on the access controls. The plat denotes one street opening along Central and two street openings along 159th St. East. The final plat tracing shall reference the dedication of access controls in the plat's text. **Access controls are approved.**
- G. Additional right-of-way is needed along Central. The Access Management Regulations requires a 60-ft half-street right-of-way width along urban/rural arterials.

The requested right-of-way dedication has been platted.
- H. **County Engineering** recommends Wichita and Andover resolve which city will annex and maintain 159th E.
- I. In accordance with the Subdivision Regulation the private streets shall be platted as a Reserve and be constructed to the public street standard. As private improvements, such guarantee shall not be provided through the use of a petition.
- J. A covenant shall be submitted regarding the private street, which sets forth ownership and maintenance responsibilities.
- K. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the appropriate governing body, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. **GIS** needs to comment on the plat's street names. **GIS has requested abbreviations for street suffixes.**
- N. The MAPC signature block needs to reference "Harold L. Warner, Jr., Chair".
- O. Lot 7, Block 3 needs to be renumbered and included within one block.
- P. In accordance with the Subdivision Regulations, maintenance access easements have been platted for development of the zero lot line dwellings. The easements shall be referenced in the plat's text with the language as follows: "The maintenance access easements as shown are hereby platted for the purpose of pedestrian emergency access, construction, maintenance, the extension of the footing and a 2-foot overhang of the structure on the adjacent lot."
- Q. Monuments need to be shown in the legend.
- R. **The hammerhead right-of-way platted for Sharon to serve Lot 1, Block 1 may need to be reconfigured. The Applicant needs to discuss this issue with City Fire Department. A sketch of the turnaround shall be provided to City Engineering.**
- S. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- BB. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

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- 3-2. SUB 2006-39: Final Plat -- JOHNSON COMMERCIAL CENTRE ADDITION**, located on the southwest corner of 53rd Street North and Meridian.

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. The site has been approved for a zone change (ZON 2005-42) from SF-20, Single-Family Residential to LC, Limited Commercial. The Johnson Commercial Centre Community Unit Plan (CUP 2005-46, DP-289) was also approved for this site.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita.
- B. The applicant shall guarantee the extension of sanitary sewer (main and lateral) and City water to serve the lots being platted. This plat may be included in the petition for the City sewer main project currently under construction.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City/County Engineering needs to comment on the status of the applicant's drainage plan. City Engineering has approved the drainage plan subject to conditions being met prior to City Council review.
- E. Sedgwick County Public Works requests that the City of Wichita annex adjacent 53rd St and Meridian.
- F. In accordance with the CUP, the following transportation improvements are required:
 - 1. Guarantee a petition to extend the center left-turn lane on 53rd Street westward to the major (full movement) opening on 53rd Street North.
 - 2. Guarantee a petition to extend the right-turn accel/decel lane on 53rd North to the westernmost minor (right-in right-out) opening on 53rd Street North, with a 100-foot taper west of the opening. This guarantee should only include that portion west of DP-289, Parcel 3.
 - 3. Guarantee a petition to extent the center left-turn lane on Meridian to 100 feet south of the major opening on Meridian.
 - 4. Guarantee a petition to extend the right-turn accel/decel lane south on Meridian to the major opening on Meridian, with a 100-foot taper south of the opening.
- G. The full movement entrance on 53rd Street North shall meet Access Management Guidelines. The plat proposes three access openings along 53rd St. North and two openings along Meridian. The access controls are approved.
- H. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- I. The perimeters of the proposed lots shall match the perimeters of the CUP parcel boundaries. A CUP adjustment will need to be approved.
- J. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

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- 3-3. **SUB 2006-77: One-Step Final Plat -- HOSKINSON 3RD ADDITION**, located on the south side of 37th Street North and west of Ridge Road.

NOTE: This unplatted site is located in the County adjoining Wichita's city limits and annexation is required. A zone change (ZON 2004-47) has been approved from SF-20, Single-Family Residential to LC, Limited Commercial along with Protective Overlay #147 addressing permitted uses, signs, access, lighting, screening, building materials and setbacks.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed.
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. In lieu of assessment for sewer main is needed, which may be included with lateral petition.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **An offsite drainage agreement should be completed between the landowner to the south. The south and west line of the plat should include a drainage and utility easement.**
- D. The plat proposes one opening to 37th St. North. **The access controls are approved.**
- E. In accordance with Protective Overlay #147, a cross-lot access agreement with the property to the east along 37th St. North shall be provided.
- F. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- G. A PO Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PO's and their special conditions for development on this property.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per

the direction and approval of the Chief of the Fire Department.)

- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

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- 3-4. **SUB 2006-81: One-Step Final Plat -- MANDY KAY COMMERCIAL ADDITION**, located south of 45th Street North and the west side of Hoover Road.

NOTE: This unplatted site is located in the County adjoining Wichita's city limits and annexation is required. The site has been approved for a zone change (ZON 2005-47) from SF-20, Single-Family Residential to LC, Limited Commercial subject to platting.

STAFF COMMENTS:

- A. Prior to this plat being forwarded to the City Council, the applicant shall apply for annexation to Wichita.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **City Environmental Services** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- C. The applicant shall submit petitions for future extension of sanitary sewer (main and lateral) and City water (main and lateral) to serve the lot being platted. **The applicant will be providing a restricting covenant prohibiting commercial development until sewer and water services are extended.**
- D. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **County Engineering requests a drainage plan. City Engineering has approved the drainage plan subject to the following conditions. An offsite drainage agreement/easement with the west landowner is necessary for the proposed stormwater sewer. A 20' drainage easement should be shown along the west property line.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes two street openings to Hoover. **Access controls are approved.**
- F. A restrictive covenant shall be submitted that permits future cross-lot access with the abutting property owners to the north and south along Hoover. The cross-lot access agreement with the property to the south shall become effective upon platting of that property for any commercial development.
- G. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.

- H. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- I. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- Q. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- R. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

- 3-5. **SUB 2006-79: One-Step Final Plat -- BACKWOODS ADDITION**, located south of 69th Street North and east of West Street.

NOTE: This site is located in the County within three miles of Wichita's boundary. It is located in an area designated as "Small City 2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Valley Center Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **A memorandum shall be obtained specifying approval of the proposed individual alternative sewer system from County Code Enforcement along with a maintenance agreement.**
- B. In accordance with the Urban Fringe Development standards, since this plat is located within the Valley Center 2030 Urban Growth Area, the subdivider shall contact the City of Valley Center, to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then the subdivision shall be connected to the city's water system in accordance with that city's standards.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan is needed. Spot elevations are needed on preliminary plat.**

- E. **Sedgwick County Fire Department** advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- F. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat tracing.
- G. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- H. The MAPC signature block needs to reference "Harold L. Warner, Jr., Chair".
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

BISHOP asked if the drainage plan referred to in item D. of the staff report was still needed.

STAHL reported that a drainage plan had been submitted to County Engineering, but was not yet approved.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **ALDRICH** seconded the motion, and it carried (11-1). **BISHOP**

- 3-6. **SUB 2006-76: One-Step Final Plat -- BRIDGEPORT MISSIONARY BAPTIST CHURCH ADDITION**, located on the west side of Meridian and north of 63rd Street South.

NOTE: This site is located in the County within three miles of the City of Wichita. It is in an area designated as "Small City 2030 Urban growth area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Haysville Area of Influence.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.

- B. In accordance with the Urban Fringe Development standards, since this plat is located within the Haysville 2030 Urban Growth Area, the subdivider shall contact the City of Haysville, to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, then the subdivision shall be connected to the city's water system in accordance with that city's standards.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan has been provided. The applicant needs to verify if the plat is in designated Corps of Engineers ponding area.**
- E. **Sedgwick County Public Works** will meet with applicant to discuss location of the access point along Meridian, and access to pipeline equipment.
The final plat shall reference the dedication of access controls in the plat's text.
- F. **Sedgwick County Fire Department** advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- G. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- H. The final plat tracing shall state in the plat's text the ownership and maintenance responsibilities regarding Reserve A.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- L. The MAPC signature block needs to reference "Harold L. Warner, Jr., Chair".
- M. The City Council certification needs to be added as this plat is located within three miles of the City of Wichita.
- N. The 30-foot pipeline easement should be labeled correctly as an "easement". Dimensions need to be provided to locate pipeline easement.
- O. The applicant shall submit a copy of the instrument, which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the appropriate governing body.
- P. The recording information for all pipeline easements shall be indicated on the face of the plat.
- Q. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- R. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- S. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- BB. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

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- 3-7. **SUB 2006-80: One-Step Final Plat -- WINDRIDGE ESTATES 2ND ADDITION.** located on the southeast corner of MacArthur Road and Ridge Road.

NOTE: This is unplatted property located in the County within three miles of the City of Wichita. It is in an area designated as "2030 Urban Growth Area" by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since sanitary sewer is not available to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. City of Wichita Water and Sewer Department requests a petition for future extension of sanitary sewer services. Water is available on MacArthur but this property was not assessed. Fees in lieu of assessment will be due in addition to tap and equity fees for service connection. An outside-the-city water agreement is needed.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. County Engineering needs to comment on the status of the applicant's drainage plan. *The drainage plan is approved.*
- E. County Engineering needs to comment on the access controls. The plat denotes two openings along MacArthur Road. *County Engineering recommends access control except for one opening at the existing drive. The applicant will meet with County Engineering to review this issue.*
- F. The 7th line in owner's declaration needs to be corrected to read "is hereby".
- G. The plat needs to include datum for pad elevation.
- H. Sedgwick County Fire Department advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- I. The plat's text shall include reference to "Lot, Block, Reserve and Streets" in the owner's certificate.
- J. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- K. Provisions shall be made for ownership and maintenance of the proposed reserve. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- L. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- M. The Park and Pathways Plan indicate a greenway along Reserve A. Public access should be referenced in the plat's text as a permitted use in this Reserve. *The Subdivision Committee has approved a 30-ft contingent easement along the south property line effective upon connection of an adjoining bike path.*

- N. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

McKAY moved, **WARNER** seconded the motion, and it carried (12-0).

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- 3-8. SUB 2006-47: One-Step Final Plat – FONTANA 3rd ADDITION**, located on the north side of 29th Street North and east of 119th Street West.

NOTE: This is a replat of a portion of the Fontana Addition. The number of lots has increased from 38 to 48 lots. The streets have been relocated to accommodate the revised lot sizes.

- A. The applicant shall guarantee the extension of water to serve the lots being platted and sewer to serve the lots being platted that aren't already included in a project currently under construction. An easement is needed to cover a portion of that line which is not located in an easement just south of Mark Randal.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **City Engineering requests a drainage plan.**
- D. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street drainage and utility easements", a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

- F. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- G. The owners of the reserves shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair, or maintenance.
- H. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- I. For those reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 32-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- K. City Fire Department requests an emergency access easement to provide a second point of access. The Subdivision Committee approved an emergency access easement. The applicant shall meet with Traffic Engineering to determine its location.
Traffic Engineering has approved the location of the emergency access easement.
- L. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- V. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

BISHOP requested the status of the drainage plan on this project also.

STAHL reported that a drainage plan and plat had been submitted to City Engineering, but was not yet approved.

MOTION: To approve subject to staff recommendations.

ALDRICH moved, **DUNLAP** seconded the motion and it carried (11-1). **BISHOP**



PUBLIC HEARINGS

4. **Case No.: ZON2006-33** – Eagles Nest Fellowship Pentecostal Holiness Church, Alexander R. Ice (owners), Baughman Company, PA c/o Terry Smythe (agent) Request Zone change request from "SF-20" Single-family Residential and "NR" Neighborhood Residential to "GO" General Office on property described as;

Lot 1 Block A Countryside Church Addition and Lot 1 Block 1 Robert & Morris Addition. Generally located Northeast corner of Forest View Street and 21st Street North (13310 West 21st Street, North).

BACKGROUND: The applicant requests a zone change from "SF-20" Single-family Residential and "NR" Neighborhood Retail to "GO" General Office on 7.5± acres generally located on the northeast corner of Forest View Street and 21st Street North (13310 West 21st Street North), one block east of 135th Street West. The intended purpose of the rezoning is for general office uses.

Currently a church is located on the northwest portion of the tract. The eastern third was rezoned NR but restricted to "NO" Neighborhood Office uses plus portrait shop and photography studio (PO #137). The southwest portion is undeveloped. Forrest View Addition, a suburban addition with lots approximately three-fourths acre in size, is located to the west. Suburban estates and land in agricultural land or open space (Cowskin Creek) is located to the north and east. A request for NO zoning on the abutting land to the east (ZON2006-32) currently is under review by the governing bodies. The property to the south is Eberly Farms, an outdoor recreation retreat center on SF-20 zoning (CU-281), and a medical office building under construction on zoning approved for GO (ZON2005-30 with PO #161). Other uses in the vicinity farther west on 21st Street North include a large YMCA located approximately one-fourth mile west on "LC" Limited Commercial, a church and a utility pump station.

CASE HISTORY: Lot 1, Block A, Countryside Pentecostal Holiness Church Addition, recorded July 2, 1987. It has 35-foot platted building setbacks along the south property line bordering 21st Street North and along the west property line bordering Forest View Street. Lot 1 is divided into two separate ownerships, but no evidence of a lot split was found. Sedgwick County BZA1-90 for this property allowed an internally illuminated sign with a maximum size of 48 square feet, plus the additional conditions that the sign would be located no closer than 100 feet from the east or west property line, not be located within any utility easement, and not be illuminated later than 11 p.m. Rezoning the tract from SF-20 would supersede this sign variance.

Lot 1, Block 1, Roberts & Morris Addition, was recorded August 18, 2005. It has a 20-foot platted setback along 21st Street North and a substantial floodway reserve comprising approximately 40 percent of the tract. ZON2004-09 rezoned the Roberts & Morris Addition tract from SF-20 to NR subject to PO #137. This protective overlay restricted the property to those uses permitted by right in the NO district plus portrait shop and photography studio.

ADJACENT ZONING AND LAND USE:

NORTH: SF-20	Agriculture, suburban estates
SOUTH: SF-20, GO	Eberly Farms, office building under construction, agriculture
EAST: SF-20	Agriculture
WEST: SF-20	Suburban residential

PUBLIC SERVICES: 21st Street North is a paved two-lane county road and is designated on the 2030 Transportation Plan as a four-lane arterial. Current traffic counts are 6,269 vehicles per day, but this is projected to increase to 14,000 vehicles per day in 2030. The half-width right-of-way is 80 feet to accommodate a large water transmission line. Municipal water and municipal sewer is located along the south side of 21st Street North. Currently the plats allow two openings on 21st Street North from the Countryside plat and one opening from the Roberts & Morris plat. The maximum number of access points allowed by urban standard access management policy would be two full movement openings. Forrest View Street is a two lane unpaved residential street.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended May 2005" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban development mix", and also is shown as part of a "Potential Future Park Site" due to its location within the environs of the Cowskin Creek. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the development "should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses." NO zoning with its limitations on uses and heights conforms to this guideline. In contrast, the requested GO district allows more intensive uses such as funeral homes and hotel or motel, plus allows heights to increase from 35 feet to 60 feet. Guideline #4 stipulates, "locate commercial uses in compact clusters or nodes versus extended strip developments." This request could form a cluster with the abutting property on the east requesting NO (ZON2006-32) and the office development occurring to the south. However, it is important to confine the edges of this cluster no farther east than the Cowskin floodplain and no farther west than Forrest View Street. The property is within the "2030 Urban Growth Area" for Wichita.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **DENIED** for GO General Office but **APPROVED** for NO Neighborhood Office on the property described as Lot 1, Block A, Countryside Pentecostal Holiness Church Addition and with no change to the NR Neighborhood Retail with PO #137 on Lot 1, Block 1, Roberts & Morris Addition, subject to these additional conditions:

1. Vacate/dedicate access control onto 21st Street North to allow one full movement opening aligned with 21st Court North and aligned with the access drive 400 feet to the west of 21st Court North (or accomplish this condition by replat).
2. Dedicate complete access control onto Forrest View Street.

This recommendation is based on the following findings.

1. The zoning, uses and character of the neighborhood: Currently a church is located on the northwest portion of the tract. The eastern third was rezoned NR but restricted to "NO" Neighborhood Office uses plus portrait shop and photography studio (PO #137). The southwest portion is undeveloped. Forrest View Addition, a suburban addition with lots approximately three-fourths acre in size, is located to the west. Suburban estates and land in agricultural land or open space (Cowskin Creek) is located to the north and east. A request for NO zoning on the abutting land to the east (ZON2006-32) currently is under review by the governing bodies. The property to the south is Eberly Farms, an outdoor recreation retreat center on SF-20 zoning (CU-281), and a medical office building under construction on zoning approved for GO (ZON2005-30 with PO #161). Other uses in the vicinity farther west on 21st Street North include a large YMCA located approximately one-fourth mile west on "LC" Limited Commercial, a church and a utility pump station.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-20 and NR with PO #137. The property could continue to be used as a church site and the vacant portions could be developed as zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: GO development allows more intensive uses than is desirable directly across from single-family residences in the Forrest View Addition.
4. The length of time the subject property has remained vacant as zoned: The eastern portion has been rezoned and platted one year. The western portion was developed with a church shortly after it was platted in 1987.
5. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: If the property is zoned NO, the applicant retains the value for general office use, but the impact would be less on the nearby residential properties.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "urban development mix", and also is shown as part of a "Potential Future Park Site" due to its location within the environs of the Cowskin Creek. The urban development mix category allows for the possibility of local commercial uses. Commercial Location Guideline #3 stipulates that any commercial use in proximity to residential development, such as in this case, the development "should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses." NO zoning with its limitations on uses and heights conforms to this guideline. In contrast, the requested GO district allows more intensive uses such as funeral homes and hotel or motel, plus allowable heights increase from 35 feet to 60 feet. Guideline #4 stipulates "locate commercial uses in compact clusters or nodes versus extended strip developments." This request could form a cluster with the property requesting NO (ZON2006-32) to the east and the office development occurring to the south. However, it is important to confine the edges of this cluster to no farther east than the Cowskin floodplain and to no farther west than Forrest View. The property is within the "2030 Urban Growth Area" for Wichita.
7. Impact of the proposed development on community facilities: As currently allowed by the plats, the openings conflict with access management guidelines by allowing three openings instead of two and by conflicting with the alignment of 21st Court North. 21st Street North is a major traffic carrier and should not be interrupted with conflicting access points or driveways spaced at too close of an interval. Forrest View is an unpaved residential county road and cannot be used for access to a commercial/office use without negatively affecting the residents by having nonresidential traffic in front of their homes and by stirring dust and deteriorating the road condition.

DONNA GOLTRY Planning Staff presented the staff report.

TERRY SMYTHE - Baughman Company, P.A. - Stated that the contract purchasers were asking for "GO" General office as opposed to "NO" Neighborhood Office because future usage may include construction of a building over 8,000 square feet in size. He said, in his opinion, NO was used more in small pocket areas or for "in-fill" space. He said larger square footage such as that used by a medical group, similar to usage to the south of the area, was only allowed under GO.

He referred Commissioners to a hand out, which was their offer of a Protective Overlay "PO" on the project that eliminated fourteen uses, and commented that they would also add funeral homes to the list at this time. He added that because Planning Staff had concerns about the height of light poles; they were also willing to agree to 25' poles, including base, pole, standard and fixture. He concluded by saying that offices make really good neighbors, and referenced the Eberly Farm project as proof that what they want to do can work.

BISHOP commented on the addition of funeral homes to the PO and clarified if they still wanted to allow hotel/motel use.

TERRY SMYTHE responded that was correct. He said they would like to retain hotel/motel use, if possible.

WARNER commented on the public input the Commission received from the neighborhood in the nearby subdivision during the YMCA case and the concerns the expressed about commercial development in the area. He asked if **SMYTHE** had received any comments from that group.

TERRY SMYTHE stated that he had received no phone calls from homeowners or landowners to the north of the proposed project.

TERRY IRWIN - 2231 N. Forest View - Said he lived directly across from the church and had built his house there 22 years ago. He said he has fought against the sewer plant and the YMCA, which he commented looks like an amusement park. He said they were told that only residential use would be allowed across the street. He stated that all of the neighbors in the neighborhood are firmly against changing the zoning in the area. He commented that it affects their property values. He stated that this area was the only buffer they have against development further east. He concluded by asking the Commission to keep the zoning in the area as it is.

RAY BOESE - 13414 W. 23rd St., North - Commented that he was concerned about the GO request and would like to have a few more items included in the PO including elimination of hotel/motels. He asked about other NO users not on the protective overlay list.

DONNA GOLTRY said medical office, general office, and ATMs were the only uses permitted in NO.

RAY BOESE said he could go along with NO.

TERRY SMYTHE commented that since there were concerns about the hotel/motel use, they would be willing to give that use up also. He said currently there were no plans to construct a hotel/motel, but he said they thought it would be a nice option. He said contract purchasers have certain expectations. He again mentioned that he thought GO (general office) were good neighbors.

BISHOP said she appreciated the compromise on the hotel/motels. She then asked about building height. She asked **SMYTHE** to explain what buildings were planned in the area and the height of each.

TERRY SMYTHE said the initial concept included a two-story medical office complex. He said there may also be some potential for future hospital use and thought under those conditions; they might go to a maximum of three-stories. He stated they would be willing to go from a maximum height of 60' to 45'.

ALDRICH asked staff to explain the term "access controlled". In addition, he said he had safety concerns regarding traffic turning left or right onto 21st St because of the elevation of 21st St.

DONNA GOLTRY said staff was asking for complete access control on Forest View, so that people would not be turning off of 21st St. onto a sand/dirt road. She said she has visited with **JIM WEBER**, Sedgwick County Public Works Department, concerning alignment with existing driveways to the south. She said the driveways in the Roberts and Morris Additions were offset by about 60' from 21st Court North. She said since that was not desirable, staff was discussing re-platting or vacating/dedicating access control as one of the options to clean up the situation. She suggested that the Commission might want to incorporate that into their motion.

DALE MILLER suggested that the issue be addressed when the plat comes to the Subdivision Committee under "Traffic Engineering".

BUD HENTZEN asked how much fill dirt would go in before construction?

TERRY SMYTHE said the west end of the property was higher than 21st St.; however, since it tapers off to the east, some fill would be necessary. He said they would need to meet City/County access grade requirements.

BISHOP remarked that she really appreciated the agent and applicant's work on issues of concern on this application and their willingness to compromise. She said she would recommend approval of the application based on the staff report and additions of the applicant to the proposed PO at this meeting. She concluded by saying that she felt this was a nice area for a park, and that when platting went forward, maybe that could be taken into consideration, along with pedestrian access. She said some of the residents that lived in the area might also work at the offices that are planned and may want to walk to work without going out onto 21st St.

MOTION: To approve the GO request with the PO as proposed by the agent and applicant, including the elimination of the following uses and modifications added at this meeting: funeral homes; hotel or motel; lighting limited to 25' and maximum building height limited to 45' and access control as recommended by staff.

BISHOP moved, **HILLMAN** seconded the motion and it carried (12-0).

5. **Case No.: ZON2006-34/CON2006-37** City of Wichita (owner); MKEC Engineering Consultants, Inc. c/o D. Lynn Moore (agent) Request Zone change from "RR" Rural Residential to "GI" General Industrial on 60.95 acres and Conditional Use to permit "hazardous operations" on property described as;

A tract of land lying within a portion of Section 26, Township 29 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas EXCEPT the east 1396 feet of the south 537 feet AND EXCEPT for that part designated as road rights of way, said tract being described as:

The West 200 feet of the Southeast Quarter of said Section 26, TOGETHER WITH, the North 600 feet of the West 500 feet of said Southeast Quarter.

TOGETHER WITH

The East 500 feet of the Southwest Quarter of said Section 26.

TOGETHER WITH

The South 600 feet of the East 500 feet of the Northwest Quarter of said Section 26.

TOGETHER WITH

The South 600 feet of the West 500 feet of the Northeast Quarter of said Section 26. Generally located North of 111th St. South and ½ mile west of 327th St. West.

BACKGROUND: The applicant is requesting a zone change from "RR" Rural Residential to "GI" General Industrial and a conditional use for hazardous operations on a 60.95-acre tract for a municipal safety operation. The site is located North of 111th Street South and one-half mile west of 327th Street West.

The conditional use plan shows explosive ordnance disposal sites surrounded by earthen berms. The conditional use is located within a larger tract of 616 acres owned by the City of Wichita. It is accessed by a private gravel drive from 111th Street South.

The surrounding area is very sparsely settled and all zoned RR. Only three farmsteads are located within the one-mile radius of the site. The farmsteads are located east of the site at a distance of approximately one-fourth mile, three-fourths mile and seven-eighths mile respectively.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: RR	Agricultural land
SOUTH: RR	Agricultural land
EAST: RR	Agricultural land, farmstead
WEST: RR	Agricultural land

PUBLIC SERVICES: Access is via 111th Street South, a county gravel road.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide", 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "rural area". This category includes the accommodation of rural based uses no more offensive than agricultural uses commonly found in Sedgwick County.

RECOMMENDATION: The proposed use is a unique municipal safety operation best suited to a remote location with as few residential or commercial uses in the vicinity as possible. The selected site is 60 acres within a larger holding by the City of Wichita of 616 acres in an area very sparsely settled. Based upon information available prior to the public hearing, Staff recommends APPROVAL of the zone change to GI and APPROVAL of the conditional use, subject to the following conditions.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The subject property shall be developed in general conformance with the approved site plan.
2. Construction of improvements shall be commenced within one year of approval by the appropriate governing body.
3. The site shall be developed and operated in compliance with all government requirements/permits for the use.
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is very sparsely settled and all zoned RR. Only three farmsteads are located within the one-mile radius of the site. The farmsteads are located east of the site at a distance of approximately one-fourth mile, three-fourths mile and seven-eighths mile respectively
2. The suitability of the subject property for the uses to which it has been restricted: The site is suited for its current zoning of RR and uses typically found in the RR district.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditional use site plan will minimize the impact of the site for the proposed municipal safety operation by properly designing the explosive ordnance disposal pits and locating it well away from population concentrations.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "2030 Wichita Functional Land Use Guide", 2005 amendments to the *Wichita-Sedgwick County Comprehensive Plan* identifies the site as "rural area". This category includes the accommodation of rural based uses no more offensive than agricultural uses commonly found in Sedgwick County.
5. Impact of the proposed development on community facilities: The site will have minimal impact on traffic.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **MITCHELL** seconded the motion, and it carried (12-0).

6. **Case No.: ZON2006-35** – Martin K Eby Construction Co., Inc., c/o James R. Grier III, S&B Real Estate Investments, LLC, clo Sheryl Fox Request Zone change from "B" Multi-family Residential to "LC" Limited Commercial on property described as;

Lots 36, 42, 44 and 47, on Market Street, in Munger's Original Town Addition, Sedgwick County, Kansas. TOGETHER WITH Lots 53 through 63 on Market Street, in Munger's Original Town Addition. Generally located Northwest and southeast of the Market and Pine Streets intersection.

BACKGROUND: The applicants' request "LC" Limited Commercial zoning on Lots 36, 42, 44 and 46 and Lots 57-63, all in Munger's Original Town Addition. These lots (sites) are all zoned "B" Multi-family Residential. The sites located southeast of the Pine and Market Streets intersection have a single-story five-plex (built 1939) and no development on them, while the site on the northwest side of the intersection is developed as surface parking. The rezoning would continue a trend of nonresidential zoning and office development, with their surface parking replacing much older multi-family development and zoning in the area.

Properties around the site located southeast of the intersection are zoned "LC", "B" and "GC" General Commercial. On either side of Market, south of Pine, the "LC" (the most prevalent zoning) zoned properties are developed as surface parking and a 1-story office; the Utility Contractors office built in 1971. The "B" zoned properties are developed as surface parking, and the sites' five-plex and its vacant, undeveloped lots. When the site's five-plex is removed both sides of Market between Pine and Elm will be developed as surface parking, except for the previously mentioned Utility Contractors office. The adjacent (east, across a paved alley) "GC" zoned properties are developed as a multi-story apartment (the Commodore, 1929), 1-3 story office (1985), surface parking and single-story retail (1960s). Properties around the site (a surface parking lot) located on the northwest corner of the intersection are zoned "LC", "B" and "GC" General Commercial. On either side of Market, north of Pine, the "GC" (the most prevalent zoning) zoned properties are developed as surface parking, the single-story WABA office (2001), a single-story office (1975), the currently under construction 2-3 story Sedgwick County Public Safety Center and a four-plex (1920). The "B" zoned properties are developed as two-story apartments (1900, 1938 & 1938) and a surface parking lot. The "LC" zoned property is developed as a single-story office, built in 1972.

The required landscaping for street yards per the Landscape Ordinance, screening and landscaping per the Unified Zoning Code, access management, and all applicable regulations will be in effect. Both sites are entirely or partially within Historical Environs and are subject to those standards.

CASE HISTORY: The subject properties are part of the Munger's Original Town Addition, which was recorded with the Register of Deeds June 22, 1910.

ADJACENT ZONING AND LAND USE:

NORTH: "GC", "LC"	Offices, surface parking
SOUTH: "LC", "B"	Office, surface parking
EAST: "LC", "B", "GC"	Offices, apartments, 4-plex, surface parking
WEST: "GC", "LC"	Offices, surface parking

PUBLIC SERVICES: The sites are located on both sides of Market Street, north and south of Pine Street. Market Street, at this location, is a two-lane, one-way north, urban collector street. Pine Street is a local street. The 2030 Transportation Plan shows no change to the status of these streets. The nearest traffic counts are at Market's intersections with Central Avenue (5,000 ADT) and Murdock (4,500 ADT). All utilities are available to the sites.

CONFORMANCE TO PLANS/POLICIES: The Comprehensive Plan's 2030 *Wichita Functional Land Use Guide Map* indicates the appropriate type of development for the sites as "Urban Residential". The "Urban Residential" category reflects the full diversity of residential development densities and types typically found in a large urban municipality. The sites about property identified as "Local Commercial" and "Employment/Industry Center" and are adjacent to a large area identified as "Major Institutional", which is anchored by the City's and County's main administration buildings. There are also larger older churches in this area. The sites' area is in the 'Center City Neighborhood' plan, which identifies the sites as appropriate for urban residential development, but with a mix of commercial and residential uses. The housing is noted as being of varying conditions and the area is dotted with scattered vacancies. The plan identifies the sites' area as being an area for opportunity for redevelopment. Residential redevelopment in the area has not happened as suggested by either the Comprehensive Plan or the Center City Plan. Redevelopment instead has been more office (the 2001 WABA office) and institutional development (Sedgwick County Public Safety Center, currently under

construction), with their abutting surface parking lots. The Center City Plan does express concern about surface parking and the appearance of the corridors, but offers no specific development guidelines. The applicants' proposed rezoning allows for additional surface parking for the areas predominate nonresidential development.

RECOMMENDATION: The zoning request is appropriate and should be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area's (south of Murdock Street) "LC" and "GC" zoned properties are the sites of office and institutional development and their abutting and adjacent surface parking lots. This is the development trend in the area, which is anchored by the City's and the County's offices. This development trend is replacing the older "B" zoned multi-family development (most recent 1939) in the area.
2. The suitability of the subject property for the uses to which it has been restricted: One of the properties could remain an isolated old, declining five-plex. The undeveloped, vacant sites could possibly be developed as some type of multi-family residential. Both scenarios are unlikely as the trend is an expansion of the institutional and office development from Central Avenue to Murdock Avenue along Main and Market Streets.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning to allow additional parking in the area is in line with recent nonresidential development in the area.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is not in conformance with the Comprehensive Plan's *2030 Wichita Functional Land Use Guide Map* or the 'Center City Neighborhood' plan. The area's (south of Murdock) recent office development instead has been driven by the area's proximity to the City's and the County's offices as well as earlier (1970s) office development. There has been no residential development in the area since 1939 and the area's existing multi-family residential appears to be in decline.
5. Impact of the proposed development on community facilities: This zone change should not increase demands on community facilities.

MOTION: To approve subject to staff recommendations.

JOHNSON moved, **MITCHELL** seconded the motion and it carried (12-0).

7. **Case No.: CUP2006-36 DP 243** – Smith & Company, Inc. (owner); K.E. Miller Engineering, PA c/o Kirk Miller (agent)
Request Amend DP-243 Smithmoor Commercial Community Unit Plan to allow signs with constant movement on
Parcels 2 and 4 on property described as;

Lot 4, Block A, Smithmoor Commercial Addition to Wichita, Sedgwick County, Kansas. Generally located
Southwest of Harry and Greenwich (10919 E. Harry).

BACKGROUND: The applicant requests Amendment #2 for Parcels 2 and 4 of DP-243 Smithmoor Commercial Community Unit Plan to change the signage provisions for this parcel. The applicant wishes to have a continuous movement building wall sign advertising his sign business, as well as a continuous movement tenant panel on the monument sign on Harry. The applicant is in the sign business and wants to display the items sold by the establishment.

The subject property is located on the southwest corner of Harry and Greenwich. Most of the CUP is vacant. The two parcels that are included in this request are zoned "LC" Limited Commercial and are developed with multi-tenant retail/office uses. A real estate office on property zoned "GO" General Office is the western-most tract in the CUP and forms a buffer for the Smithmoor single-family residential development located to the west and south of the CUP. A small "NR" Neighborhood Retail parcel is located between Parcel 2 and the real estate office parcel zoned GO.

The property to the north is zoned LC and is being developed as DP-265 Crystal Creek CUP. The parcels in Crystal Creek directly opposite Parcel 3 are approved for LC type uses and the properties farther west are restricted to NR type uses. The CUP is vacant except for a dentist office. Larger suburban lots are found to the northeast and east of DP-243.

CASE HISTORY: The property is platted as Smithmoor Commercial Addition, recorded January 5, 2000. DP-243 Smithmoor Commercial Community Unit Plan, approved August 24, 1999. Amendment #1 (December 10, 2002) approved NR zoning and uses for Parcel 10.

ADJACENT ZONING AND LAND USE:

NORTH: LC, SF-20	Medical office, vacant, residential tracts
SOUTH: LC, SF-5	Vacant commercial land, single-family residential
EAST: LC, SF-5	Vacant commercial land, suburban residential
WEST: NR, GO, SF-5	Office, single-family residential

PUBLIC SERVICES: The proposed amendment pertains only to signage regulations and has no significant impact on public services.

CONFORMANCE TO PLANS/POLICIES: The City of Wichita Sign Code as amended November 2004 defined electronic message signs as:

"A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and also enable changes to be made to messages from locations other than at the sign. Electronic message signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second."

DP-243 Smithmoor CUP currently prohibits signs with rotating or flashing lights, which is typical of the CUPs developed within the past 20 years. The CUP is located on property shown as "local commercial" on the "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*. Property with this designation should have more subdued signage to blend better with residential uses nearby. Today, the CUP would allow electronic signs so long as they do not change copy and/or graphics faster than one change per second.

RECOMMENDATION: Requests for continuous movement electronic message signs (signs that change copy or graphics more than one change per second) are becoming more common as the technology has advanced and these signs are creating an appearance markedly different to the older flashing, chasing and rotating signs. In this particular case, the applicant is in the sign business and wishes to display the items sold by the establishment and other tenants in the CUP. Many CUPs prohibit moving and flashing signs, which has generated several amendment requests in the past few years similar to this request. Three have been approved by MAPC, but these signs were located in more highly commercialized locations such as along the K-96 corridor. And, Crystal Creek CUP, which is located directly opposite this CUP, is prohibited from continuous movement signs, which would give this CUP a more brassy appearance than Crystal Creek.

The District II Advisory Board heard this case on September 11, 2006 and voted to defer the case until October 2, 2006. The DAB discussed the lack of defined guidelines for LED signage, the concern for setting "a precedent for LED signage that is too large, too bright, too close to streets and residential areas or allow a large number of these signs in a concentrated area." (DAB memo dated September 13, 2006).

Based upon information available prior to the public hearings, planning staff recommends that the General Provision #15 of the CUP be amended as follows:

1. The first sentence of General Provision #15 be amended as follows:
Electronic message signs that are classified as animated, flashing or moving by the Wichita Sign Code or create the illusion of movement shall be prohibited on the entire CUP except for one monument sign panel not to exceed 48 square feet in sign face area per side on either Parcel 2 or Parcel 4 only advertising the tenants located within the CUP, and one building wall sign for a single tenant advertising only for that tenant not to exceed 32 square feet in sign face area on Parcel 2 and Parcel 4 each, with all these signs being substantially in conformance with the Exhibit 1 and 2 attached hereto; additionally any animated, flashing or moving signs or any signs that create the illusion of movement shall reduce the lumens by at least 25 percent after dusk.
2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by MAPC, or the Governing Body, if required, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is located on the southwest corner of Harry and Greenwich. Most of the CUP is vacant. The two parcels that are included in this request are zoned "LC" Limited Commercial and are developed with multi-tenant retail/office uses. A real estate office on property zoned "GO" General Office is the western-most tract in the CUP and forms a buffer for the Smithmoor single-family residential development located to the west and south of the CUP. A small "NR" Neighborhood Retail" parcel is located between Parcel 2 and the real estate office parcel zoned GO. The property to the north is zoned LC and is being developed as DP-265 Crystal Creek CUP. The parcels in Crystal Creek directly opposite Parcel 3 are approved for LC type uses and the properties farther west are restricted to NR type uses. The CUP is vacant except for a dentist office. Larger suburban lots are found to the northeast and east of DP-243.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial, and is currently developed with a retail strip mall. The proposed changes to the signage regulations are unnecessary for the subject property to be suitable for the uses that are permitted although the sign company would like to display an example of the product on his building wall sign and the monument sign.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: An animated, flashing, and moving sign would introduce a higher intensity of commercial signage than presently exists in the neighborhood, which could detrimentally affect nearby properties. The proposed recommendation to limit continuous movement signs to one building wall sign on Parcel 2 and Parcel 4 each and one monument sign tenant panel somewhat reduces the proliferation of moving signs out of character to the residential/local commercial area.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The City of Wichita Sign Code as amended November 2004 defined electronic message signs as:
"A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and also enable changes to be made to messages from locations other than at the sign. Electronic message signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second."
DP-243 Smithmoor CUP currently prohibits signs with rotating or flashing lights, which is typical of the CUPs developed within the past 20 years. The CUP is located on property shown as "local commercial" on the "Wichita Land Use Guide, as amended May 2005" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan*. Property with this designation should have more subdued signage to blend better with residential uses nearby. Today, the CUP would allow electronic signs so long as they do not change copy and/or graphics faster than one change per second.

DONNA GOLTRY Planning Staff presented the staff report.

GOLTRY commented that the applicant changed their request after DAB II heard the case on Sept 11. She said the request has been changed to one variable message panel on one monument sign, slightly larger than shown on the picture she referred the Commissioners to view. She said one of the DAB concerns was having two continuous movement signs in such close proximity to each other. She also mentioned that a larger issue was the need to develop a more uniform policy on this type of signage for all signs in the city.

ALDRICH asked about the last sentence in the last paragraph of the staff report (referring to reducing the brightness of the signs at night). He asked how those items would be determined.

DONNA GOLTRY commented that the applicant offered to subdue the brightness of the sign. She said a lumens meter can be used to measure sign brightness, and added that signs can be programmed so they display less than 100 percent of the brightness possible. She said they had received some complaints about signs in other locations in the city being too bright, and added that the signs appear to be brighter at night and in the winter.

RON SMITH, applicant, offered to answer any questions for the Commission.

BISHOP commented that she lived in this neighborhood, to the west of it, and felt that the area was developing in a good way, other than the traffic. She also mentioned that the MAPC needed to address standards and locations on these types of signs in a more standard way.

MOTION: To approve subject to staff recommendations.

MITCHELL moved, **JOHNSON** seconded, the motion and it carried (12-0)

The Metropolitan Area Planning Department informally adjourned at 2:37p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)